

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

IN RE:	)	
	)	
CUMMINGS MANOOKIAN, PLLC,	)	Case No: 3:19-bk-07235
	)	Chapter 7
	)	Judge Walker
Debtor.	)	

**TRUSTEE'S RESPONSE TO BRIAN MANOOKIAN'S SUPPLEMENTAL REPLY**

Jeanne Ann Burton, Chapter 7 Trustee herein, by and through proposed counsel, respectfully responds to Brian Manookian's Supplemental Reply in Opposition to Motion of Trustee to Employ Special Counsel (Doc. 18) (the "Supplemental Reply").

It appears that Brian Manookian, who is not a party in interest and has no standing, is acting in concert with his wife, Afsoon Hagh,<sup>1</sup> to manufacture a conflict of interest to prevent the Trustee from retaining special counsel to pursue assets of the estate, including the preservation of \$710,000. These actions are an abuse of process, an abuse of this Court, and the Trustee implores the Court to not tolerate such acts.

Mr. Manookian's Supplemental Reply makes reference to a complaint that was filed, but he failed to attach a copy. The Trustee attaches copy of the complaint as Exhibit A so that the Court may evaluate the alleged conflict of interest for itself. The only way that special counsel has an interest adverse to the estate is if special counsel and the estate were alleged to be jointly liable for some debt. However, the complaint primarily seeks declaratory relief against the

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<sup>1</sup> The Trustee notes that Afsoon Hagh filed a complaint in state court at 1:32 p.m. on December 19, 2019; Brian Manookian paper-filed his Supplemental Reply at 2:09 p.m. the same day.

Debtor. This does not create *even the allegation* of a conflict between proposed special counsel and the estate.<sup>2</sup>

Ms. Hagh has flagrantly violated the automatic stay by filing a lawsuit against the Debtor in the Davidson County Circuit Court. Ms. Hagh cannot maintain the attached complaint against the Debtor due to the automatic stay. *Easley v. Pettibone Michigan Corp.*, 990 F.2d 905, 911 (6<sup>th</sup> Cir. 1993) (“we hold that actions taken in violation of the stay are invalid and voidable and shall be voided absent limited equitable circumstances”). Indeed, at an injunction hearing before the Williamson County Circuit Court on December 10, 2019, John Spragens, counsel for Hagh Law PLLC, agreed that this Court, not the state court, was the proper forum for determining ownership of disputed fees.

In summary, the Court should not allow Ms. Hagh and/or Mr. Manookian to use the filing of a highly suspect complaint to manufacture a conflict for special counsel. Ms. Hagh’s attempts to sue the Debtor in state court violate the automatic stay and will be voided. Even taking the complaint at face value, it does not even allege joint and several liability between the estate and special counsel. It is in this estate’s best interest and not adverse to the estate to allow the Trustee to retain special counsel, and not to allow Mr. Manookian and Ms. Hagh to attempt to stall the Trustee’s administration of this estate, so that they may frustrate the Trustee’s efforts and duty to preserve a possible asset of the estate prior to January 17, 2020, when a state court injunction expires.

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<sup>2</sup> Moreover, the allegations in the complaint are demonstrably false. Ms. Hagh alleges that there is no basis for Cummings Manookian to claim an interest in fees from a case styled *Miller v. Vanderbilt University Medical Center*. However, undersigned counsel is in possession of a signed engagement letter between the plaintiff, Carla Miller, and Cummings Manookian, the Debtor, dated April 3, 2018. The Debtor undeniably has an interest in the *Miller* fees.

Respectfully submitted,

/s/ Phillip G. Young, Jr.

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**Certificate of Service**

The undersigned hereby certifies that a copy of the preceding document was electronically filed and served via the Court's ECF system this 20<sup>th</sup> day of December, 2019, and was served by United States mail and email on the following party:

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/s/ Phillip G. Young, Jr.

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